

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

DUSTIN LEE KEDDY §
VS. § CIVIL ACTION NO. 1:17-CV-432
KARA RAY §

**ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Dustin Lee Keddy, a prisoner previously confined at the East Texas Treatment Facility, proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Kara Ray. The defendant is the Substance Abuse Felony Punishment Facility Coordinator for the Orange County Community Supervision and Corrections Department.

The court ordered that this matter be referred to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends dismissing the action pursuant to 28 U.S.C. § 1915(e) as frivolous and for failure to state a claim upon which relief may be granted.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and the pleadings. Plaintiff filed objections to the Magistrate Judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes the objections are without merit. Plaintiff has not shown that the defendant was deliberately indifferent to his serious medical needs because the defendant was not personally involved in, or responsible

for, plaintiff's medical care. *Farmer v. Brennan*, 511 U.S. 825, 832 (1994). As a result, the Magistrate Judge correctly concluded that this action should be dismissed as frivolous and for failure to state a claim upon which relief may be granted.

ORDER

Accordingly, plaintiff's objections (document no. 31) are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge (document no. 27) is **ADOPTED**. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendation.

So **ORDERED** and **SIGNED** this **19** day of **June, 2018**.



Ron Clark, United States District Judge